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04 UNITED STATES DISTRICT COURT
05 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

06 MICHAEL A. JACKSON,) CASE NO.: C08-1059-JLR-MAT
07)
08 Petitioner,)
09)
10 v.) ORDER DENYING PETITIONER'S
11) MOTION FOR RELEASE
12 PAT GLEBE, et al.,)
13)
14 Respondents.)
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12 Petitioner has filed a motion for "temporary release" pending consideration of petitioner's
13 petition for a writ of habeas corpus. (Dkt. No. 14). The Court, having considered petitioner's
14 motion and the balance of the record, does hereby ORDER:

15 (1) Release pending a decision in a habeas case is reserved for extraordinary cases
16 involving special circumstances or a high probability of success. *Land v. Deeds*, 878 F.2d 318,
17 319 (9th Cir. 1989), *citing Aronson v. May*, 85 S. Ct. 3, 5 (1964). In his motion, petitioner states
18 that prison officials have used excessive force against him, perhaps in retaliation for his filing this
19 habeas petition. (Dkt. No. 14 at 1). Petitioner is advised that the proper means for him to assert
20 a claim of excessive force is through the filing of a civil rights action pursuant to 42 U.S.C. §
21 1983. Because petitioner has not shown that his pending habeas petition presents either special
22 circumstances or a high probability of success, his motion for release (Dkt. No. 14) is DENIED.

(2) The Clerk shall direct a copy of this Order to petitioner and counsel for respondent.

DATED this 25th day of September, 2008.

Mae O'Brien

Mary Alice Theiler
United States Magistrate Judge